

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRUNEL JORDONNE and
KENSON SAINVILUS,

Plaintiffs,

v.

OLE BAR & GRILL, INC., ANGELO BALBO
MANAGEMENT, LLC, and LA HACIENDA
BAR, INC.,

Defendants.
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**ORDER ADOPTING REPORT
AND RECOMMENDATION**

13 CV 1573 (VB)

Briccetti, J.:

Before the Court is Magistrate Judge Judith C. McCarthy's Report and Recommendation ("R&R"), dated April 26, 2016, in response to the Court's Order of Reference for an inquest on damages. (Doc. #66).

Judge McCarthy recommended entry of a Judgment against defendants Ole Bar & Grill, Inc., and La Hacienda Bar, Inc., awarding compensatory damages to plaintiff Brunel Jordonne in the amount of \$2,715,000, and awarding compensatory damages to plaintiff Kenson Sainvilus in the amount of \$25,000. Judge McCarthy also recommended that punitive damages not be awarded to either plaintiff.

The case was previously settled between plaintiffs and defendant Angelo Balbo Management, LLC, and partial stipulations and orders of dismissal were entered as to that defendant. (Docs. ## 63, 65). Familiarity with the factual and procedural background of this case is otherwise presumed.

For the following reasons, the Court adopts the R&R in its entirety as the opinion of the Court.

A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may raise objections to the magistrate judge's report and recommendation, but they must be "specific[,] written," and submitted within 14 days after being served with a copy of the recommended disposition. Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1).

Insofar as a report and recommendation deals with a dispositive motion, a district court must conduct a de novo review of those portions of the report or specified proposed findings or recommendations to which timely objections are made. 28 U.S.C. § 636(b)(1)(C). The district court may adopt those portions of a report and recommendation to which no timely objections have been made, provided no clear error is apparent from the face of the record. Lewis v. Zon, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). The clearly erroneous standard also applies when a party makes only conclusory or general objections, or simply reiterates his original arguments. Ortiz v. Barkley, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008).

No party has objected to Judge McCarthy's thorough and well-reasoned R&R.

The Court has carefully reviewed the R&R and finds no error, clear or otherwise.

CONCLUSION

Accordingly, the R&R is adopted in its entirety as the opinion of the Court.

The Clerk is instructed to enter a Judgment:

- (1) awarding compensatory damages in the amount of \$2,715,000 in favor of plaintiff Brunel Jordonne and against defendants Ole Bar & Grill, Inc., and La Hacienda Bar, Inc.; and
- (2) awarding compensatory damages in the amount of \$25,000 in favor of plaintiff

Kenson Sainvilus and against defendants Ole Bar & Grill, Inc., and La Hacienda Bar, Inc.

After entering Judgment as directed, the Clerk is further instructed to terminate the pending motion (Doc. #68) and close this case.

Dated: June 15, 2016
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge